

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

CASE NO. 00-6035-Cr-ZLOCH

UNITED STATES OF AMERICA,

PLAINTIFF,

v.

RAYMOND McDERMOTT and
MARTHA TREMINIO-DIAZ,

DEFENDANTS.

GOVERNMENT'S SPEEDY TRIAL REPORT

Pursuant to Local Rule 88.5, the United States files its Speedy Trial Report.

1. On February 3, 2000, the indictment in the case at bar was filed under seal.

Defendants were both arrested on February 4, 2000, and made their initial appearance in Court on that same day when the indictment was unsealed. Therefore, the speedy trial clock was triggered on February 4, 2000. 18 U.S.C. 3161(c)(1).

2. On February 24, 2000, Raymond McDermott filed a motion for substitution of counsel, the motion was granted on February 29, 2000, such that five days were excludable from the Speedy Trial calculation for Raymond McDermott. Martha Treminio-Diaz [McDermott] filed a motion for substitution of counsel on March 6, 2000; the motion was granted on March 16,

LJH
48

such that ten days were excludable from the Speedy Trial calculation for Martha Treminio-Diaz[McDermott]..

3. On March 16, 2000, defendants and the United States filed a joint motion to continue the trial date for a period of thirty (30) days. As the motion has not yet been ruled upon, the time from March 16, 2000 to the present [or the time of the court's ruling] is excludable as to each defendant.

4. Considered separately, 36 days non-excludable time have elapsed as to Raymond McDermott, and 31 days of non-excludable time have elapsed for Martha Treminio-Diaz. The government has determined that 31 days of non-excludable time have elapsed as to the two defendants, as they are properly joined for trial and no severance has been granted. 18 U.S.C. §316(h)(7).

5. The following Speedy Trial Chart sets forth the proceedings that have occurred since February 4, 2000.

AS TO RAYMOND McDERMOTT

EXCLUDABLE DATES	ACTIVITY	ELAPSED TIME	DAYS ELAPSED
02/03/00	Indictment under seal		
		2/3-2/4	
02/04/00	Initial Appearance Indictment unsealed		(Excludable)
		02/05/00 through 02-24-00	20
02/24/00	Motion by Raymond McDermott to substitute counsel	2/25/00 - 2/29/00	(Excludable)

02/29/00	Order granting Raymond McDermott's motion	3/1/00-3/16/00	16
03/16/00	Joint motion to continue filed	03/17 to present	(excludable)

TOTAL TIME ELAPSED: **36 days**

AS TO MARTHA TREMINIO-DIAZ

EXCLUDABLE DATES	ACTIVITY	ELAPSED TIME	DAYS ELAPSED
02/03/00	Indictment under seal		
		2/3-2/4	
02/04/00	Initial Appearance Indictment unsealed		(Excludable)
		02/05/00 through 03-06-00	31
03/06/00	Motion by Martha Tremino-Diaz to substitute counsel	3/07/00 - 3/16/00	(Excludable)
03/16/00	Order granting Diaz' motion		

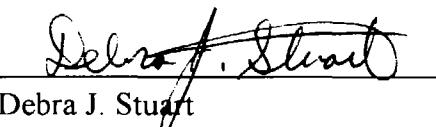
03/16/00	Joint motion to continue filed	03/17 to present	(excludable)
----------	--------------------------------	------------------	--------------

TOTAL TIME ELAPSED: 31 DAYS

Respectfully submitted,

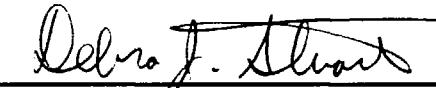
THOMAS E. SCOTT
UNITED STATES ATTORNEY

By


Debra J. Stuart
Assistant United States Attorney
Florida Bar No. 208035
500 E. Broward Blvd.
Suite 700
Fort Lauderdale, Florida 33394
Tel: 954-356-7255 ext. 3597
Fax: 954-356-7336

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent by first-class United States mail, postage pre-paid, March 23, 2000, to Ira N. Loewy, Esq., 800 Brickell Avenue, Penthouse 2, Miami, Florida 33331.


Debra J. Stuart
Assistant United States Attorney